

Exhibit C

**Affidavit of William
Brian McCauley**

EXHIBIT C

AFFIDAVIT OF WILLIAM BRIAN MCCAULEY

STATE OF NEW YORK

§

§

COUNTY OF NASSAU

§

BEFORE ME, the undersigned authority, on this day personally appeared William Brian McCauley, known to me to be the person whose name is subscribed below and who being first duly sworn by me, according to the law, upon his oath deposed and stated as follows under penalty of perjury:

1. My name is William Brian McCauley, and I am a NYS Licensed Private Investigator and principal of Power Investigations, ID: 11000043197.

2. I am authorized to execute this affidavit on behalf of Power Investigations.

3. Power Investigations was and is retained by Tradesman Program Managers LLC ("TPM") to conduct investigations into suspected fraudulent operations that materially include those that were believed to either arise from or result in construction-related claims.

4. Pursuant to our business obligation to TPM, we conducted preliminary investigations that resulted in what appeared to be a potentially direct nexus between specific OSHA safety training courses and the suspected fraudulent activity that followed.

5. During the time period of November and December of 2022 I personally assigned an employee, undercover operative (UC 1) to take a 30-hour and a 10-hour OSHA class and audio record both classes, collectively referred to herein as the course.

6. At all times, UC 1 was under a business obligation to Power that including prompt reporting of the outcome of his investigation, and the following derives directly from his reports made personally to me proximately contemporaneous to the dates and times referenced herein and in the six recordings that have been translated and transcribed.

7. UC 1 entered a commercial building at 67-10 Roosevelt Avenue, Woodside, Queens and signed up for OSHA classes provided by Sisa Pakari Centro Cultural y Laboral.

8. Prior to being permitted to attend the course, UC 1 stated to the Sisa Pakari representative that UC 1 had no identification but needed OSHA training. UC 1 was then told by the Sisa Pakari representative that UC 1 needed to get an identification card out on Roosevelt

Exhibit C
Affidavit of William
Brian McCauley

PLTF-0000071

Avenue, someone would be there and UC 1 could buy an ID card and come back to Sisa Pakari and enroll in the class for \$400.00, which he negotiated down to \$324.00.

9. UC 1 obtained an ID card as directed, which did not include a photograph of his actual face and returned to enroll in and attend the course.

10. UC 1 participated in the OSHA training 30-hour course along with two known members of MS-13 and about 25 other Hispanic males.

11. Part of the class was presented by Francisco Payano. He identified himself as an employee of the attorney firm Gorayeb & Associates and gave each of the class attendees his business card indicating Francisco Payano as an employee of the attorney firm Gorayeb & Associates.

12. Fanny Guadalupe, the owner of Sisa Pikari, then addressed the OSHA class as the owner of Sisa Pakari and associated with Gorayeb & Associates and that she would bring anyone to Gorayeb when they get hurt.

13. UC 1 completed the 30-hour class and returned for the 10 hour class and received the certificates of completion for both.

14. I have reviewed the translated and transcribed documents derived from the recordings UC 1 personally obtained while he was present during the OSHA course, and they are true and accurate to the best of our knowledge, and moreover are consistent with the contemporaneous report and translation provided by UC 1 to me proximate in time to attending the course and recording the portions he was able to.

15. The six documents marked as Exhibits D-1, D-2, D-3, D-4, D-5 and D-6 are true and accurate transcriptions and translations of the six recordings referenced herein.

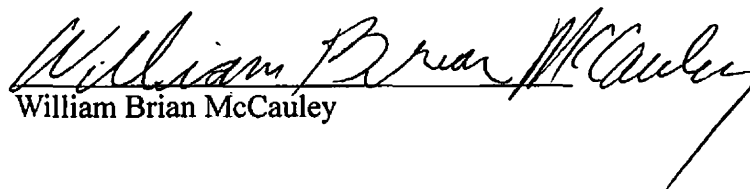
16. The document marked Exhibit L is a true and accurate .pdf image of the business card that Francisco Payano provided to UC 1 at the OSHA course, and which UC 1 logged and scanned to Power pursuant to the terms of his employment.

17. I am executing this affidavit rather than UC 1 out of concern over potential reprisals against him should his identity be disclosed.

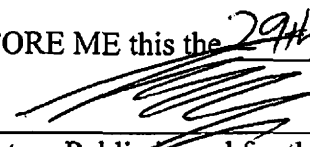
18. The fear of reprisals is substantiated by the prominent presence of MS-13 members in the course as reported by UC 1, though he remains employed by Power and will be available to testify at trial.

19. In conclusion, I again state that the translations and transcriptions annexed to the Complaint as Exhibits D-1, D-2, D-3, D-4, D-5 and D-6 are true and accurate transcriptions and translations of the six recordings referenced herein, the originals of which have remained in fixed and tangible form in Power's possession and control at all relevant times, and further that the document annexed as Exhibit L is a true and accurate digital image of the business card provided by Francisco Payano to UC 1 that has remained in Power's possession and control at all relevant times.

"Further Affiant Sayeth Not."


William Brian McCauley

SUBSCRIBED AND SWORN TO BEFORE ME this the 29th day February 2024.


Notary Public in and for the State of New York

Commission Expiration: 11/2/26

